MICHIGAN SUPREME COURT

PUBLIC HEARING
MAY 27, 2004

JUSTICE CORRIGAN: Good morning and welcome to this public hearing scheduled this morning on a number of matters on our administrative docket. Is anyone here on Item 1, proposed amendment to the rules of criminal procedure. At this juncture then I'm going to call Item 7, proposed amendment of Rules 3 and 4 of the Rules Concerning the State Bar of Michigan and I will recognize the president of the State Bar of Michigan, Scott Brinkmeyer.

Item 7: 2004-16: PROPOSED AMENDMENT OF RULES 3 AND 4 OF THE RULES CONCERNING THE STATE BAR OF MICHIGAN.

MR. BRINKMEYER: Good morning Madam Chief Justice and Justice of the Supreme Court, may it please the Court. For the record I am Scott Brinkmeyer, President of the State Bar of Michigan. I am here today to speak on behalf of the Bar in support of the proposed amendment of our rules pertaining to an emeritus status. We have worked hard with our senior lawyers. We have viewed the impact of the changes in our dues rules from last year. Of the comments that we have heard from members by far and away most of those had to do with the senior lawyers and the changes in the dues structure. For your information, there were slightly less than 1,000 resignations last year. Of those resignations, 416, approximately 40% were lawyers 70 years or older as of October 1 of last year. Our objective is hopefully to regain the experience of those lawyers which we have now lost to the bar. One of the many complaints that was made was that these senior lawyers have essentially been deprived in their minds of the identity of connection with the state bar and remaining a member of our profession. Many of them indicated that they were retired, not working, but would like to retain the emoluments of membership.

JUSTICE CAVANAGH: In prior years do you have any idea how that would compare to prior years--the number of resignations.

MR. BRINKMEYER: I don't. On an annualized basis no. It seems rather large for resignations because before, due to the fact that there was no dues for members age 70 and over for quite some time, one could obviously become inactive or remain an active member and there was no financial impact. We have gleaned from studies done by the Senior Lawyer Section, as a matter of fact, that large numbers of those resignations were directly in response to the imposition of dues on senior members. You might ask what will this give them, what benefits would they now have. They would have all of the commercial and publication emoluments of membership that are afforded to other members. They would be eligible for section membership and committee membership

and those that would opt to join sections would then be subject to the rules of those sections regarding membership. You might ask what is the financial impact of this. I can't answer that question for the simple reason that we don't know who among active members now might elect to become an emeritus, either meeting the age or the years of practice requirements under the proposed rule. I might speculate that if comparing the impact of the marketplace upon my retirement portfolio and extrapolating that to active members we doubt very seriously for example that 30 years of practice would lead to a lot of retirements in the immediate future. So we would not expect that many of those members who are currently are active--

JUSTICE TAYLOR: Only (inaudible) timers will be retiring early, is that the idea?

MR. BRINKMEYER: I would suspect that that might very well prove to be the case, Justice Taylor. It certainly will be in my case and if I am at all an example I suspect that it would be highly unlikely that large numbers--

JUSTICE TAYLOR: You've come to the right place for sympathy, believe me.

MR. BRINKMEYER: Thank you. Well I look for it wherever I can get it. But the fact is that what we would regain is what we don't have now and that is the membership of senior lawyers who have resigned and from whom we now get no benefit from their years of experience and which we hope to gain from their automatic reinstatement should they elect to rejoin as emeritus status members.

JUSTICE CORRIGAN: Can you give us any sort of report on how to get at the inactives and to assess dues for discipline, etc., has worked. Were we not in the realm of 7,000 inactive members of the state bar.

MR. BRINKMEYER: As to that particular number let me see if I can put my finger on that for you quickly, Madam Chief Justice. I don't have that at my fingertips. I do know that historically we were not in great contact with inactive members and we've tried very hard, last year in particular with the new dues proposal having been passed, to re-contact and to make association with those. We've had a reasonable degree of success. There is, still, as you know, an inactive status allowed. We have reconnected with many of them. A lot have, frankly, just either passed away or not remained in contact with the bar so at the present moment I can't tell you exactly what those numbers are.

JUSTICE TAYLOR: I've got a question for you and if you're not up to speed on this, you have no reason to be, but I was just curious about it. We have a matter up for consideration today which goes by Admin No. 2003-60 and this is an amendment

to MCR 5.125 which is those people who need to be notified in a probate proceeding and what we had was a case last year where something took place at the probate court which was such as to trigger liability for the surety bond carrier. Follow? So in other words you're in default or something of that kind and the person is bonded and no notification had ever been given to the bond carrier that this sort of thing was going on so given that problem it seemed unfair to the insurance company that they wouldn't know they had this problem coming up because it was potentially the case at least in that circumstance that the individual who was bonded didn't care enough to put up an avid defense on the thing. So we had this case and one of the results of it was that we proposed a rule change which would say in addition to the usual people like the protected persons, the claimants, the current beneficiaries of the trust and so on, in addition to all those people that we added such other persons whose interests are adversely affected by the relief requested including sureties who might be subject to financial obligations as the result of the approval of the account. And then we sent it out for publication and shortly thereafter in one of the few comments we got on this the state bar board of commissioners unanimously opposed this amendment. As I understand it they thought the language was vague and overbroad and would present an unacceptably difficult burden on petitioners. We then revised the language a little bit to come up with the language I just read you and that was at the suggestion of the Probate and Estate Planning Section of the Bar. But I found it puzzling that the bar would be so unsympathetic to this problem that we were trying to address that they would unanimously say oh of course not, we're perfectly content to see this injustice be perpetuated.

MR. BRINKMEYER: Let me just say this. I do not recall that there was debate at the board level--as you may or may not be aware, these are usually handled by our public policy committee. There is debate within that committee. They then bring their proposals to the board; it is open for debate and we will either hear discussion, if there is discussion, or we will merely get the recommendation of the committee. I don't recall discussion. I suspect, and I must disclaim any in-depth familiarity with this. My reaction is that in all likelihood, having been the chair of that committee before, it was probably the language and some of the breadth of unidentified adversely affected parties that would have been at the heart of their concern.

JUSTICE TAYLOR: Well whoever is doing this over there, public policy committee or whomever, is there ever any thought of saying we sympathize with the target here, we think that the goal is a good one but we think this language isn't good and what we would suggest is X, Y, Z or we are referring this to the Estate section. We think the Probate and Estate Planning section might have a better idea of this, or something like that. Because what happens when something like this comes in on really sort of a mom and apple pie issue, it makes your organization look rather strange.

MR. BRINKMEYER: Well let me say this. First of all when we get any proposals for court rule changes, legislation, etc., not only does that go to our public

policy committee and then it is assigned for study and recommendation by a member, it is also vetted throughout the bar to sections and committees and we actively seek--

JUSTICE YOUNG: But you have a section that made specific and perhaps constructive comments whereas the bar itself did a backhand.

MR. BRINKMEYER: Usually what we will do, and more so today than ever before, what we're trying to do is increase the flexibility, particularly of sections that may be directly interested in a particular proposal for them to take the lead on it rather than the association. Now I thought I gleaned from your comments, Justice Taylor, that there was a position first by the board of commissioners--

JUSTICE TAYLOR: I'm not sure what the order of things was. I think, well I just shouldn't comment on that, I'm unclear on it from the information I have here but what you do is you have no never from the bar and here be some good language from the Probate and Estate Planning Section of the same bar and all I'm suggesting is that this seems to be an odd way to do business and I realize that you are a hydra-headed institution and so on but why, maybe some thought could be given to not sending cocapanous (?) messages that are difficult for us to understand.

MR. BRINKMEYER: I certainly agree that what you apparently have is confusing. We have tried very hard over the past couple of years--

JUSTICE TAYLOR: I realize that. I don't mean this as a broad sweeping criticism but I just thought this is a good example of the kind of thing that there ought to be maybe one human being who is the clearinghouse on all of this stuff so that there aren't conflicting messages coming out of the bar which can be readily misunderstood at this end. What it really is most likely read as the bar thinks this is a lousy idea and 2 or 3 guys in the Probate and Estate Planning Section think it's maybe okay. And that I don't think is what--it's such a desirable measure, it seems to me, that it would be hard to imagine indifference to it much less opposition.

MR. BRINKMEYER: I would suspect it's a timing issue on the first hand and secondly, most likely, a communication issue between the section and the bar. We're trying harder and harder to make sure they vet with us what they're sending to you but unfortunately that always doesn't happen.

JUSTICE CORRIGAN: Thank you Mr. Brinkmeyer, we appreciate your presence here today. I'm going to return to Item 1. When I called it earlier no one was here on that item.

<u>Item 1: Proposed Amendments to Rules of Criminal Procedure</u>

JUSTICE CORRIGAN: Is F. Martin Tieber here?

MR. TIEBER: I apologize for being late. 3 minutes should be no problem. I have a 19-year-old daughter so I'm very used to having less time than that to get my point across.

JUSTICE TAYLOR: Hopefully you'll have more success with us, right?

MR. TIEBER: I want to talk for just a brief minute about the scenario I depicted on page 1-2 of my letter that I sent enumerating objections to some of the court rule changes and that is the guilty plea scenario where the defendant pleads guilty with no counsel to an armed robbery where no one was hurt, first offender who gets 100-150 years in prison and is told by the judge that the reason for the sentence is the color of his skin. Now I've known in 30 years of doing this work all of you in various capacities. Some I know better than others. There are those who will say you are conservative. I won't say prosecution-oriented but I know that each of you individually would never countenance this kind of a scenario, would never allow this to stand. So my question to you is why are we putting in place rules that will take this beyond your reach because in that scenario one year after that case is closed out, that defendant is out of luck. In fact that defendant is out of luck completely after one year because--

JUSTICE TAYLOR: Why wouldn't that fall under the rule that allows you to come back after one year if the thing which has happened is so unseemly that it reflects poorly on the system.

MR. TIEBER: Because the rule eliminates that in guilty plea cases.

JUSTICE TAYLOR: Oh, in guilty plea cases.

MR. TIEBER: There is only two way you can get to a guilty plea after a year

JUSTICE TAYLOR: But in all other cases that would not be--just guilty plea cases.

MR. TIEBER: Well over 90% of people who are in prison are there because of a plea.

JUSTICE TAYLOR: Why wouldn't a scenario like that not leap out in the first appeal--

MR. TIEBER: Because there may not be a first appeal. Because you have taken the ability of poor people away to have counsel on that first appeal. Now the U.S.

Supreme Court is considering that right now in Tesmer, arguments are going to be held this fall. So that might be a moot point on that particular issue but if the U.S. Supreme Court rules in accordance with what you have ruled, poor people will not be appointed attorneys and there are a lot of people in prison who are--they're not there because they're bright, they're there because they have problems with intelligence levels. They have drug problems, they have mental illnesses. And they're not capable of dealing with this and certainly most of them are not capable of dealing with it within a particular time frame. And that's another thing I wanted to mention briefly. The one-year time limit. We have a successive (inaudible) now. You can only do one. I don't know that there is a particular need to cut that off after one year. I understand the issue of managing dockets but I don't think that's a major problem when you have a successive ban. You might all say okay Marty Tieber is out there in private practice now, he wants cases to take. I've been very fortunate--

JUSTICE YOUNG: Is there any reasonable period of time that you think--

MR. TIEBER: I don't know that it's necessary. I really don't--

JUSTICE YOUNG: Well there are staleness issues, aren't there. An infinitely lengthy period of time to bring this motion.

MR. TIEBER: The standards of review that are presently in place, not to mention the ones that you're considering in place are so strict that I don't believe that unless it's a major problem that any court is going to take a serious look at it no matter how many--

JUSTICE CORRIGAN: How does the rest of the country handle that, Mr. Tieber. Are there time limits in other places on the filing of habeas motions.

MR. TIEBER: There are. I would say in most states there are.

JUSTICE CORRIGAN: And is it your position all those should be removed as well?

MR. TIEBER: Sure. I don't see a need for it.

JUSTICE CORRIGAN: And does the federal system have a time limit on when you can file habeas motions?

MR. TIEBER: Federal habeas time limit is one year from the end of direct review.

JUSTICE CORRIGAN: So is that why the committee chose that one-year limit?

MR. TIEBER: I would guess, I would guess. And I would ask that the Court seriously consider putting a fail-safe in there if you do do a one-year so that people who are out there who haven't filed their one motion for relief from judgment would have one year from the date that you implement the time limit, as opposed to a lot of people being cut off immediately upon taking effect of the rules. That's what they did in the federal system when they adopted the one-year time limit under (inaudible). But the reason I'm suggesting that we shouldn't adopt a time limit and I was starting to say that it might seem self-serving but in the year and a half that I've been in private practice I'm doing nothing but retained work and pro bono work. I have 3 pro bono cases. None of my retained work would be banned under the one-year time limit. People who have money move within the time frames. Most of the people who are moving into a motion for relief from judgment are preparing a base for federal habeas and those who have financial means are not going to be found to be out of luck with this. Of the three pro bono cases that I'm doing currently two of those would be gone. So ironically it wouldn't take my business away. What it would take away from me is the business that I'm doing for free.

JUSTICE CORRIGAN: Okay. I think we understand your point and your time is up. Thank you. Sandra Girard here?

MS. GIRARD: I also apologize for being late and appreciate this opportunity to address the Court. I was not able to get written comments into the Court by the deadline. I would therefore like to co-sign, so to speak, letters that we submitted by James Lawrence, Martin Tieber, Professor Bretz on behalf of Siedam and a letter from Raymond Wayland, a prisoner who helped work on the Cane case and in his letter he set forth statistics about the rate and prevalence of mental illness amongst prisoners. That's information that we developed during discovery in that case although it didn't ultimately go to trial and I did want to verify that those statistics are accurate. I think those people and many of the other people that wrote did excellent analyses of the potential effects of the changes and the constitutional implications, etc., and I'm not here to repeat those arguments. My point I want to make today is much simpler and that is that all of you and each of you is the caretaker of our judicial system, our one court of justice. As near as I can tell not a single one of these proposed court rules is actually designed to enhance justice. It certainly would enhance efficiency and I'm not unmindful at all of how important that is. But justice is this Court's primary mission and I urge the Court in considering each of these proposed court rules to just look at it and see whether it would promote justice or simply promote efficiency by cutting off people seeking justice. As I said I do appreciate it, particularly in this time of budget cuts, the need for efficiency wherever we can promote that but I think maybe this is a time, like in many other sectors of our society where we have to ask the judiciary to dig a little deeper, give a little more, discover how they can handle their dockets a little more efficiently rather than cutting

down and cutting out the most vulnerable people who would be deprived of their last chance to seek justice. I know the frustration of trying to decipher these pleadings and letters written by semi-literate people who are doing their very best to speak legalese, the language they think the courts want to hear and often it's almost impossible to understand what they're saying and that is a serious problem but closing the door in the face of people who are doing their best to seek justice is not an answer that I think our society should be proud of.

JUSTICE CORRIGAN: Ms. Girard, I believe your time is up ma'am, we thank you for coming this morning. Is Yvette Davidson here?

MS. DAVIDSON: Good morning. Thank you for the opportunity to speak. My name is Yvette Davidson and I'm part of a non-profit organization knows as LIFER which is an acronym for Life Inmate and Families for Equitable Review. And our primary goal is to try to assist life inmates with a chance for parole. I am not a lawyer so a lot of the things mentioned in the package that was presented by the committee that you're familiar with was somewhat confusing to me. So I consulted with a lawyer to try to explain some of the things and changes, along with some of the inmates who were excited to the point where they were disillusioned and felt that their last chance to gain any sort of freedom within the Michigan correctional system would be lost had these proposals been adopted. My main concern was the limit of 25 pages double spaced. I am in contact with several inmates that are possibly trying to seek motion of relief based on evidence that was not presented in their first trials, witness statements that were not included. And it seems as though if they built up enough evidence to bring back to trial, if they have 25 pages that are double spaced, a lot of the essence of what they are trying to say would be missed.

JUSTICE KELLY: Can I ask how many pages would be a suitable length?

MS. DAVIDSON: 25 pages doesn't even sound as bad, so if you subtract the double space, I guess 50 pages would be suitable because that would be 25 pages.

JUSTICE CORRIGAN: Can I ask as a matter of practice, do you know if the limit in federal court is 20 pages that they can file in federal court for habeas corpus when they go over there.

MS. DAVIDSON: Are you saying--

JUSTICE CORRIGAN: No, do you know the number of problems they are allowed to file in federal court?

MS. DAVIDSON: No, I do not. I did not look into that.

JUSTICE CORRIGAN: All right. Thank you for appearing this morning. We appreciate it. Ralph Simpson.

MR. SIMPSON: Good morning, Your Honors, I also apologize for being late. I guess in Michigan you don't have an excuse in not anticipating construction and accidents. I'm appearing here to speak about a matter that is not a proposed court rule. I am here to suggest the need to adopt a court rule to deal with the matter of indigent appeals for misdemeanor convictions.

JUSTICE CORRIGAN: Can I ask, since this isn't something that is directly in front of us this morning in the way that our procedure would work, we are always welcoming of any suggestion that you care to make about what would be an improvement in the rules and what I would request that you would do would be to send a letter to me with your proposal about what needs repairing and what the Court would do would be to refer it to our administrative counsel, Deborah McGuire, you should send a copy to her as well, and we would get that into the administrative docket of the Court so that your idea could be explored.

JUSTICE KELLY: Is there a reason why you're bringing this to us today, Mr. Simpson.

MR. SIMPSON: Well I guess maybe out of confusion as to what you were doing today. We had received a complaint, I'm appearing as a cooperating attorney for the American Civil Liberties Union. We had talked with the State Court Administrator's Office who had said pretty much concurred with the idea that there not rules and forms addressing the issue. We learned of this hearing today which I was led to understand addressed criminal court rules in some kind of general way to where it might be appropriate to comment on any criminal rule.

JUSTICE CORRIGAN: But you're really not here to support or oppose any of the rules that are out there, you want to suggest something new. That would be the appropriate way to go.

JUSTICE CAVANAGH: Would your proposed rule, or do you know, apply only to instances where a misdemeanant received jail time.

MR. SIMPSON: No, I don't believe necessarily but I think right now we're at the stage of addressing the issue at all. I think that is the key point that we are concerned with. I think the Mallory case clearly addressed that there was a right but I think a number of district courts which have relatively few trials and often when there are trials which are going to be appealed they're retained trials--a lot of those in the drunk driving area--don't have any guidance at all and therefore are reluctant or have some

difficulty in applying the dictates of Mallory so we were really getting at the need for a rule at all.

JUSTICE CORRIGAN: That would be helpful if you could proceed in that fashion and make sure we know we have a specific proposal from you.

MR. SIMPSON: Right. And I'm sorry if I did have confusion--

JUSTICE CORRIGAN: Okay. Thanks for coming this morning. We appreciate it. Is Captain Michael Thomas of the Michigan State Police here?

CAPTAIN THOMAS: Yes, I am, Your Honor. I appreciate the opportunity to address the Court this morning. On behalf of the Michigan Department of State Police I'm here regarding the proposed new court rule 6.006 regarding video proceedings. The Michigan State Police supports the proposed new court rule 6.006 video proceedings. A forensic sciences division scientist receives on an average more than one subpoena for every workday of the year. Not only is it physically impossible to attend every hearing for which the subpoena is received, time away from the forensic laboratory equates to time that evidentiary analysis is not completed. This time away from the laboratory further exacerbates the ever increasing backlog for the forensic science division. The forensic science division of the Michigan Department of State Police provide forensic services to all law enforcement agencies in the state of Michigan. We also are responsible for providing expert testimony in every courthouse in the state. A large number of court proceedings are either waived or rescheduled for a multitude of reasons. Scientists from the forensic science division subpoenaed for these proceedings spend a considerable amount of time traveling to and waiting at courthouses, only to have to come back to their laboratories when the proceeding is cancelled. It is not uncommon for a preliminary examination to be rescheduled multiple times over a period of several months. However, each time the examination is scheduled the forensic scientist must appear at the courthouse and be prepared to offer testimony. The time and money spent on court appearances by the forensic scientists continues to increase. The forensic science division scientists participated in 949 court appearances in 2003. This figure does not reflect the approximate 200-300 court appearance the scientists appeared at a court proceeding only to learn that their testimony was not needed due to a postponement of the proceeding. Court appearance had the greatest impact on the toxicology services provided by the forensic science division. In 2003 scientists in the toxicology unit made approximately 225 court appearances. This number only accounts for the incidences when the scientist actually testified. Toxicologists complete on average 1700 forensic analyses which equates to about 7 per day in the laboratory. These 225 court appearances, in addition to approximately 60 additional appearances where the scientist was subpoenaed but was not needed to testify equate to almost 1,000 cases not analyzed due to court appearances. There is also a significant impact on other forensic services. The remaining 724 court appearances, and we estimate approximately 180 instances where

the scientists appeared but did not testify, made by personnel in the forensic science units has a significant impact on their ability to complete case work on a timely basis. With the implementation of this new rule, hundreds of hours of travel time could be averted, leading to a greatly increased number of forensic case examinations.

JUSTICE KELLY: Are you aware, Captain, of the change affected by 2004 P.A. 20.

CAPTAIN THOMAS: No, Your Honor.

JUSTICE KELLY: The amendment reads: On the motion of either party, the magistrate may permit the testimony of an expert witness or upon a showing of good cause, any witness to be conducted by means of telephonic voice or video conferencing. That is in conformity with what you would like to see our rule say?

CAPTAIN THOMAS: Yes. What I would like is to have the opportunity to have a forensic analyst be able to provide video testimony from our laboratory environment. We would significantly reduce the amount of travel time. Just an example the other day, Your Honor. We had a trial that was scheduled in the Upper Peninsula. We have centralized laboratory services in our toxicology unit. The doctor went up to testify and provide expert testimony. Traveled approximately 8 hours to go to the courtroom, spent the night, appeared at court in the morning, it was adjourned, and quite frankly we lost 16 hours of basically analytical time that that expert could have performed laboratory services. And we have the ability in our forensic science division and in our laboratories with the video equipment in our facilities to provide that testimony.

JUSTICE KELLY: So if we were to amend the court rule to conform with that new statute, would that satisfy your concerns.

CAPTAIN THOMAS: I believe so, Your Honor.

JUSTICE YOUNG: Is there any impediment now to you using, given the authorization for parties to move for videotape deposition of experts, is there any impediment to you using the video facilities that you have.

CAPTAIN THOMAS: I don't believe so. The impediment would be whether the courts themselves would be able to accept our video testimony. Whether they would have the actual technical equipment in the courthouses to be able to receive our transmissions.

JUSTICE YOUNG: That's a matter of funding, isn't it?

CAPTAIN THOMAS: I think it probably would be a matter of funding.

JUSTICE YOUNG: Well how do we affect that. All we can do is authorize the video. Whether the equipment on both ends is compatible is not a matter of court rules.

CAPTAIN THOMAS: I believe, Your Honor, that there are sources of funding that we could, obviously explore and receive the funding once we were able to do so. I think there's an opportunity to get funding.

JUSTICE CORRIGAN: May I ask, Captain, if you are aware of such funding sources that you would communicate those to the State Court Administrator's Office so that local courts could be apprised that they might be able to apply for those funds.

CAPTAIN THOMAS: I certainly would, Your Honor.

JUSTICE CAVANAGH: In the creation of the video in the laboratory setting, how would cross-examination occur.

CAPTAIN THOMAS: The testimony would be obviously live and the defense attorney would basically be able to ask the questions and the expert witness would be able to respond the same way that they would be able to respond--

JUSTICE YOUNG: You're not talking about a simultaneous live transmission; you're talking about a videoed dep that's in the can, so to speak. You want the privilege of having all the attorneys come and depose your people in the laboratory.

CAPTAIN THOMAS: No, Your Honor, what I'm saying is that if we are given the opportunity to provide expert testimony in the courtroom and basically answer questions by the attorneys as they're asked in the courtroom, then the analyst would be able to, from the actual laboratory, be able to respond to the questions of the court and obviously would enhance our efficiency to provide--

JUSTICE YOUNG: Okay, so you really are talking about a live transmission.

CAPTAIN THOMAS: Yes.

JUSTICE WEAVER: How many forensic centers do you have.

CAPTAIN THOMAS: Approximately 180 at this time.

JUSTICE TAYLOR: I just want to make sure I understand something. Is the rule that you have been testifying about today satisfactory to you?

CAPTAIN THOMAS: Yes, Your Honor, we're supporting it.

JUSTICE CORRIGAN: All right. Thank you Captain. Is Anise Austin here?

MS. AUSTIN: Good morning, Your Honors. Thank you for allowing me to make a comment. I'm here because I'm concerned about several things. The first one is the committee that was appointed on the rules of criminal procedure, how quickly the committee came to these amendments. They were appointed for a two-year term and they completed this report slightly over half the time allotted. And I'm concerned that the effort put into it as far as research, how could it be accurate. They were allowed two years for a reason, to use that time, and I think that's very unfair.

JUSTICE CORRIGAN: Did you obtain a copy of their product?

MS. AUSTIN: I have a portion of it, I have the first page.

JUSTICE CORRIGAN: Did you see this?

MS. AUSTIN: Yes. I printed the whole thing out. I have it all but I just brung a little bit of it. That's more of a reason to me why they should have took the entire time allotted them.

JUSTICE TAYLOR: Do you have any specific criticism of the report. The fact that they were, in your view, hurried, produced a problem in what respect.

MS. AUSTIN: Well it's not thorough.

JUSTICE TAYLOR: What part of it isn't thorough?

MS. AUSTIN: I would say the issue as far as the 6500 portion of it.

JUSTICE TAYLOR: The motion for relief from judgment?

MS. AUSTIN: Yes.

JUSTICE TAYLOR: Is there some particular part of that that you feel they were slapdash on?

MS. AUSTIN: Well even the page limitation because to me there should be no limitation. It should be however many it takes in order to--

JUSTICE TAYLOR: Isn't your position that they were wrong, not that they were hurried.

MS. AUSTIN: Well they hurried and they could be wrong because they hurried. I'm not here to criticize, I'm just here because I'm concerned and I see to me a lot of issues on here that we all should be concerned about. I view the Supreme Court as being the last hope of justice and I have a lot of respect for the Michigan Supreme Court and it doesn't seem as far as the law that it's being fair and I don't know how, if you ever place yourself in someone else's shoes, but would you want to follow these laws if it was you or your child or your husband or wife. And I don't feel that if it was me, to do these proposed amendments you wouldn't be allowing true justice.

JUSTICE CORRIGAN: All right. Thank you for coming today, Ms. Austin, your time is up. And thank you all for attending this public hearing this morning. All the matters will be taken under advisement by the Court and this Court is adjourned.